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SUBJECT: PHILIPPINES: CHILD LABOR UPDATE 2007

REF: A. STATE 158223  
[1](#)B. MANILA 788 (2007 Trafficking in Persons Report)  
[1](#)C. 06 MANILA 5026 (2006 Child Labor Update)

[1](#)1. Summary: This cable provides input requested for the Secretary of Labor's annual report to Congress on the implementation of commitments to eliminate the Worst Forms of Child Labor (reftel a). It updates information provided by Post in 2006 (reftel c) regarding child labor laws and regulations in the Philippines, law enforcement capabilities, social programs aimed at prevention, statistics on child labor and child education, and government policies and programs to combat child labor and child trafficking.

[1](#)2. Sources of information used during the preparation of this update include the Philippine Department of Labor and Employment (DOLE), the Philippine Department of Social Welfare and Development (DSWD), the International Labor Organization (ILO), World Vision, and Winrock International. End Summary.

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Laws Proscribing the Worst Forms of Child Labor  
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[1](#)3. The Philippines uses a strong set of laws to protect the rights and welfare of children, especially those working in hazardous conditions or in the worst forms of child labor. Republic Act 9231 of 2003, "An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Strong Protection for the Working Child," amends the Labor Code and codifies regulations set forth in the UN Convention on the Rights of the Child and ILO Convention 182.

[1](#)4. Republic Act 9231 defines the worst forms of child labor as: (1) the trafficking, debt bondage and forced labor of children, including recruitment of children for use in armed conflict; (2) child prostitution and pornography; (3) the use of a child for illegal or illicit activities, including drug trafficking; and (4) work which, by its nature or the circumstances in which it is carried out, is hazardous. Criteria for categorizing work as hazardous include work that: degrades the worth and dignity of a child; exposes the child to physical, psychological, or sexual abuse; is performed underground, underwater or at dangerous heights; involves the use of dangerous machinery, equipment and tools; requires the handling of heavy loads; exposes children to extreme temperatures, noise levels, or vibrations; is performed under particularly difficult conditions; exposes the child to dangerous biological agents; or involves the manufacture or handling of explosives and other pyrotechnic products. Those found guilty of the worst forms of child labor may be fined between 100,000 and 1 million pesos (between USD \$2,148 and USD \$21,482), and/or imprisoned for 12 to 20 years.

[1](#)5. The Labor Code prohibits the employment of children under the age of 15, except when working directly with a parent and when the work does not endanger the child's life, safety, health, or morals, or interfere with schooling. Children under 15 are allowed to work in

the media industry, including cinema, theater, television, and radio, when the child's participation is essential to the production. The law requires that any child under age 15 employed under these guidelines must receive a special permit from the DOLE, but does not define the absolute minimum age for employment by children. The Armed Forces of the Philippines does not recruit soldiers below 18 years of age. However, there were reports indicating that rebel groups including the New People's Army and the Abu Sayyaf Group continued to recruit minors (below age 18).

¶6. Republic Act 9231 also amends the limits on children's working hours. Children below 15 years are not allowed to work more than four hours a day, and work should not exceed twenty hours per week. Children below 15 years are not allowed to work between 8:00 p.m. and 6:00 a.m. Children aged 16 to 17 are not allowed to work between 10:00 p.m. and 6:00 a.m.

¶7. Republic Act 9208 of 2003 criminalizes trafficking in persons, including trafficking for adoption, sex tourism, prostitution, pornography, the recruitment of children into armed conflict, or under the guise of arranged marriage. The trafficking of a child brings higher penalties of life imprisonment and a fine of 2 to 5 million pesos (USD \$42,965 to USD \$107,411). Trafficking is also a non-bailable offense. The law entitles victims and survivors to counseling, temporary shelter, health care, legal assistance, and access to the government's witness protection program.

¶8. Other laws used by government to protect the welfare of children include: Republic Act 7610 of 1992, "Special Protection of Children Against Abuse, Exploitation and Discrimination Act," which criminalized child prostitution and sexual abuse, child trafficking, child pornography, and other acts of child abuse; and Republic Act 8043 of 1995, "Inter-Country Adoption Act," which ensured the protection of Filipino children from abuse, exploitation, trafficking, and/or sale.

¶9. The Republic of the Philippines has signed and ratified the major international agreements to protect the rights and welfare of children, including the UN Convention on the Rights of the Child (ratified in January 1990); the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (ratified in April 2002); ILO Convention 138 on Minimum Age (ratified in June 1998); and ILO Convention 182 on the Worst Forms of Child Labor (ratified in November 2000).

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Implementation of Laws Remains Limited  
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¶10. While Republic Act 9231's passage improved the legal protections for working children, full implementation of this law faces the same challenges as other social legislation: limited awareness and training in the law; low numbers of law enforcement, Department of Labor and Employment, or Department of Justice (DOJ) resources; a lack of focus on enforcement; and a lengthy prosecution process. The continuing challenge, as with combating trafficking in persons, is to translate existing laws into increased prosecutions and convictions in order to catch perpetrators and deter future violations of international norms and Philippine law, as well as alleviate the underlying economic and social conditions that perpetuate child labor.

¶11. DOLE is the lead government agency responsible for enforcing child labor laws through its labor standards enforcement offices. DOLE employs approximately 200 labor inspectors nationwide to monitor and enforce all aspects of the amended Labor Code, making it difficult to investigate complaints and violations of child labor effectively.

¶12. DOLE leads the "Sagip Batang Manggagawa" (Rescue the Child Workers, or SBM) program, an interagency quick action mechanism composed of DOLE, Philippine National Police (PNP), National Bureau of Investigation (NBI), and DSWD. The SBM interagency mechanism removed 1,693 child labor victims from harmful situations between 2001 and 2007. From January to September 2007, SBM conducted 49 removal operations involving 138 child workers. The minors were referred to the DSWD for rehabilitation and reintegration.

¶13. Through October, DOLE has not ordered any closure of establishments employing child labor in violation of Republic Act ¶9231. Prosecutions and convictions for child labor continue to be limited. Since 1995, six people accused in four cases have been convicted of violating the child labor law. From January to October, three cases under the Act were filed and were pending trial in metro Manila. DOLE's Bureau of Women and Young Workers noted that data on child labor prosecutions may be inaccurate due to incomplete statistics from the provinces. In March, a DOLE-led team removed ten minors working in a garment factory in Quezon City, metro Manila. The government filed charges against the owner of the factory and trial was ongoing.

¶14. The government continued to conduct awareness raising activities on child labor and child trafficking laws. On October 24, approximately 40 members from PNP, DOJ, Commission on Human Rights, Bureau of Immigration, and DOLE participated in an orientation on "Sagip Batang Manggagawa." DOLE also regularly conducted child labor training programs for their approximately 200 labor inspectors nationwide. The government acknowledged that the limited number of labor inspectors, who assess the establishments' compliance on general labor standards and are not entirely focused on the employment of child labor, made it difficult to enforce child labor laws.

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Government Policies and Programs  
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¶15. The Philippine National Strategic Framework for Plan Development for Children, 2000-2025, also known as "Child 21," and the National Program Against Child Labor (NPACL) Framework are the primary government policy instruments for the development, implementation, monitoring, and evaluation of programs designed to prevent and eliminate child labor in the Philippines. The Medium Term Philippine Development Plan 2004-2010 also includes measures for reducing the incidence of child labor, especially in hazardous occupations. In the plan, the Philippine Government pledges to strengthen mechanisms to monitor the implementation of child protection laws; develop "social technologies" to respond to child trafficking and pornography; and implement an enhanced program for children in armed conflict.

¶16. In August 2007, the DOLE launched the NPACL strategic framework for 2007-2015. Under the new strategic framework, the government will create a national monitoring system against child labor, including a nationwide database of incidents of child labor. The framework also included plans to establish Barangay (village) Councils for the Protection of Children. These community-level councils would work with the DOLE-led "Sagip Batang Maggagawa" Quick Action Teams to improve monitoring and implementation. Under the new framework, the government hopes to improve the access of withdrawn child laborers to education and health services, and to identify decent work opportunities for families and communities.

¶17. The Philippine government participated in several U.S. Department of Labor-funded initiatives to combat child labor in the country in 2006 and 2007. The key programs, implemented by the ILO, World Vision, and Winrock International, were:

-- ILO-IPEC implementation of Philippine Time-Bound Program (PTBP): This program supported the Philippine government's goal of reducing the Worst Forms of Child Labor (WFCL) by 75 percent by ¶2015. The project, which began in 2002 and ended in August 2007, covered the six sectors of WFCL in eight provinces. According to ILO-IPEC, the program withdrew and prevented approximately 42,400 children from worst forms of child labor through counseling, education, and reintegration with their families. About 9,500 family members of child laborers received livelihood support such as access to micro-credit, provision of basic literacy and vocational training, and assistance in starting micro enterprises.

-- The ABK Education Initiative: World Vision, along with a number of NGO partners, implemented this education component of the PTBP. ABK Initiative provides transitional or vocational education programs for working children as well as those identified to be "at-risk." Since the project was implemented in 2003, 31,307 children have been enrolled in formal or informal education in 10

areas.

-- Combating Child Soldiers: ILO-IPEC implemented this program to reduce the incidence of child soldiers in Mindanao. ILO-IPEC estimates that at least 2,000 children or minors may be child soldiers in the Philippines. In 2006, the project withdrew and/or prevented 302 children from armed conflict and reintegrated them into mainstream society. About 40 percent (120) of these minors were enrolled in elementary grades, high school, or college, while the remaining 60 percent (182) were given vocational skills training. Also in 2006, ILO conducted public awareness campaigns against the involvement of children in armed conflict through 22 radio stations in Mindanao;

-- Increasing Public Awareness and Capacities of National and Local Alliances through Program and Policy Advocacies Towards Realization of Time Bound Education Agenda: ILO-IPEC launched this program in May 2005 as part of the regional project "APEC Awareness-Raising Campaign: Eliminating the Worst Forms of Child Labor and Providing Educational Opportunities." The project aims to engage key stakeholders through national alliances in the development of education materials, and conduct awareness-raising activities as well as policy advocacy for education;

-- The CIRCLE project: On its second phase of implementation in 27 countries including the Philippines, the "Community-based Innovations to Combat Child Labor through Education" (CIRCLE) project supported seven local organizations to conduct innovative and community-based awareness-raising and education programs in areas of high incidence of child labor. At the end of the project, 1,446 children have been withdrawn and/or prevented from child labor and enrolled instead in formal and informal education.

¶18. In September 2007, the U.S. Department of Labor awarded USD \$5.5 million to World Vision, Christian Children's Fund and the Educational Research and Development Assistance Foundation, to implement a second phase of the ABK Education Initiative. The four-year project aims to withdraw and prevent an estimated 30,000 children from working on sugarcane plantations and other commercial agriculture plantations, as domestic workers, in commercial sexual exploitation, mining and quarrying, pyrotechnics production, and garbage scavenging.

¶19. DOLE is also implementing a project, funded by the Geneva-based Elimination of Child Labor in Tobacco (ECLT) Foundation, to reduce the incidence of child labor in tobacco fields in the Ilocos region. During the first phase of the project, DOLE awarded two-year scholarship grants to 100 children, as well as alternative livelihood assistance and basic entrepreneurial training to their families. The project also conducted awareness-raising activities for about 2,000 participants in five municipalities. In October 2006, the ECLT Foundation awarded about USD \$400,000 to DOLE for the implementation of the second phase of the project. With the ECLT Foundation funds, DOLE will provide scholarship grants to 86 of the 100 student beneficiaries of the first phase, as well as two-year scholarship grants to 200 new beneficiaries.

¶20. The government devoted considerable resources to the education of children. The Department of Education (DepEd) had the largest budget of any cabinet department: 12 percent of the national budget. Elementary and secondary education is free and compulsory through age 11, but the quality of education remained poor due in part to inadequate resources. Government support for the education of poor children is provided indirectly through the public school system rather than through targeted subsidies. For the school year 2006-07, public school enrollment rate for elementary was 76 percent, slightly increased from 74 percent for the school year 2005-06.

¶21. DepEd's Bureau of Non-Formal Education develops and encourages the use of learning modules for parents of working children in various regions with high incidence of the worst forms of child labor. Translated into local dialects, the modules educated parents about their children's health needs and basic rights and opportunities for livelihood and income-generating projects. DepEd also operates a home-study program designed to prevent students from quitting school due to poverty, illness, or early marriage. With assistance from POEA and CFO, DepEd incorporated lessons on



international migration (including illegal recruitment and mail order brides) into social studies and values education in public elementary and high schools throughout the country.

#### ----- Child Labor Statistics -----

¶22. The 2000/2001 National Survey on Children (NSC) estimated that as many as four million children aged 5 to 17 years were economically active -- 16.2 percent of the total population of children in that age group. Of the four million child workers, an estimated 60 percent, or 2.4 million, were exposed to hazardous working environments. The January 2007 Labor Force Survey, conducted and published by the National Statistics Office, estimated that approximately 906,000, or 4.2 percent of the total 21.5 million children 5 to 14 years old, are economically active. (Note: The Labor Force Survey cited a lower number of working children since it relied on "the past seven days" as the reference period used in the survey, compared to the national survey, which used "the past year" as the reference period. End Note.)

¶23. The Philippine Time-Bound Program identified six specific industries employing worst forms of child labor: sugarcane plantations, pyrotechnics production, deep-sea fishing, mining and quarrying, domestic service, and the commercial sex industry. However, there were no available data on the number of children working in these industries. In the 2000/2001 National Survey, more than half of the working children (2.1 million) were found in agriculture, hunting and forestry. About 71 percent of the children in agriculture were male, and about 60 percent were aged 5-14 years old. Other industry groups where high number of children work were in wholesale and retail services (747,000 or 18.6 percent), domestic work (230,000 or 5.7 percent), fishing (208,000 or 5.2 percent), and manufacturing (186,000 or 4.6 percent). During the assessment of the NPACL 2001-2006 in August, the National Child Labor Committee identified other industries employing worst forms of child labor, including commercial rice, corn, and banana plantations, and garbage scavenging.

#### ----- Combating Child Trafficking -----

¶24. The Philippines is an origin, destination and, to a lesser extent, a transit country for children trafficked for the purposes of sexual exploitation and forced labor. Children and young women from poor farming communities in the Visayas (the central Philippines) and Mindanao (the southern Philippines) are brought to major urban centers and employed as factory workers, domestic helpers or prostitutes. Victims of trafficking for sexual exploitation are generally girls, with ages ranging from 7 to 16 years old. Most of these children come from very poor families with unemployed or irregularly employed parents.

¶25. Child prostitution is a serious problem, driven by the Philippines' popularity as a destination for sex tourists as well as economic and demographic conditions. Sex tourists reportedly come from Europe, North America, and Asia to engage in sexual activity with minors. UNICEF and local NGOs estimate that 60,000 to 100,000 children work in the commercial sex industry. DSWD estimates an increase of 3,200 prostituted children each year. The American Center for International Labor Solidarity (ACILS) recorded 37 incidents of child trafficking involving 97 victims for the period April 2006-March 2007. The government cooperates with the USG in prosecuting American nationals under the terms of the U.S. PROTECT Act of 2003, which criminalized the commission by American nationals overseas of child abuse, including child pornography and other sexual offenses against a minor.

¶26. The Philippine Government has no central database of trafficking information; however, various government agencies and non-government organizations document cases of trafficking. The Inter-Agency Council Against Trafficking in Persons (IACAT) coordinates, monitors, and oversees the implementation of Republic Act 9208, and serves as an umbrella organization to coordinate anti-trafficking efforts. The DOJ Secretary and the DSWD Secretary co-chair IACAT. Other member agencies include the Department of Foreign Affairs,

Philippine Overseas Employment Administration, National Commission on the Role of Filipino Women, Bureau of Immigration, DOLE, NBI, and PNP. Three NGOs representing women, children, and overseas Filipino workers are also part of the IACAT.

¶27. The government has made progress in combating trafficking, particularly in the areas of law enforcement coordination and victim protection and assistance. There were seven convictions under the 2003 anti-trafficking in persons involving 20 female victims, including minors. All of these victims were trafficked for prostitution. DSWD provides basic social services such as counseling, medical services, temporary shelter and repatriation for minors rescued from prostitution. DSWD operates 42 temporary shelters for victims throughout the country; of these, 13 centers were for women, 13 for girls, and the remaining for men, boys, and the elderly. Through August, the DSWD assisted 18 child victims of prostitution, and 32 victims of child trafficking. Substitute homes, or havens, served the needs of female and child victims of trafficking and other forms of abuse. DSWD also referred cases to accredited NGOs for children and accredited NGOs for women, which provided temporary shelter and community services to women and children in crisis, including victims of trafficking.

¶28. NGOs such as the Visayan Forum Foundation, Virланie Foundation, End Child Prostitution and Trafficking (ECPAT), Coalition Against Trafficking of Women and Children, and the People's Recovery, Empowerment, and Development Assistance (PREDA) Foundation Inc. complement government efforts by offering counseling services, training, housing, and provision of formal and non-formal education to rescued child trafficking victims.

¶29. See Post's input to the annual Trafficking in Persons Report (reftel b) for more information on child trafficking.

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